No. P. 5678—*Legis.* 47-39-1, *dated Bangalore, the* 14*th February* 1940.

Ordered that the accompanying Act further to amend the Code of Criminal Procedure, 1904, which received the assent of His Highness the Maharaja of Mysore, on the 1st day of February 1940 be published as Act XI of 1940, in the *Mysore Gazette* for general information.

C. SUBRAHMANYA AIYAR,
Secretary to Government,
Law Department.

ACT XI OF 1940.

The Code of Criminal Procedure (amendment) Act, 1940.

(*Received the assent of His Highness the Maharaja on the* 1*st day of February* 1940.)

WHEREAS it is expedient further to amend the Code of Criminal Procedure, 1904; It is hereby enacted as follows:—

Short title.

1. This Act may be called the Code of Criminal Procedure (amendment) Act, 1940.

Amendment of section 4, Act II of 1940.

2. For the definition of "European British Subject" in section 4 (1) (r) of the Code of Criminal Procedure, 1904 (hereinafter referred to as the Code), the following shall be substituted, namely—

"(1) "European British Subject" means—

(*a*) any subject of His Majesty the King-Emperor of European descent in the male line born, naturalised or domiciled in any part of His Majesty the King-Emperor's Dominions exclusive of British India and of British Burma, or

(*b*) any subject of His Majesty the King-Emperor who is the child or grandchild of any such person by legitimate descent;"

3. In sub-section (1) of section 130 of the Code, after the words "the Maharaja" the following words shall be inserted, namely— Amendment of section 130, Act II of 1904

"or in the Kolar Gold Fields Battalion of the Auxiliary Force (India)."

4. In section 131 of the Code, after the words "the Maharaja" the following words shall be inserted, namely— Amendment of section 131, Act II of 1904

"or of any local unit of the Auxiliary Force (India) referred to in sub-section (1) of section 130."

MIRZA M. ISMAIL,
Dewan.

Order No. P. 5680—*Legis.* 48-39-1, *dated Bangalore, the* 14*th February* 1940.

Ordered that the accompanying Mysore Public Security Act which received the assent of His Highness the Maharaja, on the 2nd day of February 1940, be published as Act No. XII of 1940, in the *Mysore Gazette* for general information.

C. SUBRAHMANYA AIYAR,
Secretary to Government,
Law Department.

ACT No. XII OF 1940.

THE MYSORE PUBLIC SECURITY ACT, 1940.

(*Received the assent of His Highness the Maharaja on the 2nd day of February* 1940.)

WHEREAS it is expedient to supplement the criminal law for the purpose of securing the public safety and interest; It is hereby enacted as follows:—

CHAPTER I.

PRELIMINARY.

1. (1) This Act may be called the Mysore Public Security Act, 1940. Short title, extent and duration.

(2) The Government may, by notification in the official Gazette, from time to time, apply all or any of the provisions of this Act to the whole or any part of the State and may cancel or modify such notification from time to time.

Definitions

2. In this Act unless there is anything repugnant in the subject or context—

(1) "the Code" means the Code of Criminal Procedure, 1904;

(2) (*a*) "association" means any combination or body of persons, whether the same be known by any distinctive name or not, and

(*b*) "unlawfull association" means an association,—

(*i*) which encourages or aids persons to commit acts of violence or intimidation or the members of which habitually commit such acts, or

(*ii*) which has been declared to be unlawful by the Government under the powers conferred under this Act;

(3) "foreigner" shall denote a person who is not a natural born subject of His Highness the Maharaja, or who has not acquired domicile in the State by residence therein for not less than five years immediately preceding the date when the question of his status arises coupled with the intention to reside therein permanently;

(4) "notified place" means a place which has been notified under section 14;

(5) (*i*) "public meeting" means a meeting which is open to the public or any class or portion of the public;

(*ii*) a meeting may be a public meeting notwithstanding that it is held in a private place and notwithstanding that admission thereto may have been restricted by ticket or otherwise.

CHAPTER II.

SPECIAL POWERS OF ARREST, DETENTION AND SEARCH.

Power to arrest and detain suspected persons.

3. (1) Any officer of the Government, authorised in this behalf, by general or special order of the Government, may, if satisfied that there are reasonable grounds for believing that any person has acted, is acting, or is about to act, in a manner prejudicial to the public safety or

peace, himself arrest such person without warrant, or may direct the arrest without warrant of such person, and in making such arrest, may use any means that may be necessary to effect the arrest.

(2) An arrest made by or on the direction of any officer under this section shall be reported forthwith to the Government by the officer so making or so directing the arrest, as the case may be, and such officer may, by order in writing, commit any person so arrested to such custody as the Government may, by general or special order, specify in this behalf:

Provided that no person shall, unless the Government by special order otherwise directs, be so detained in custody for a period exceeding fifteen days:

Provided further that no person shall be so detained in custody for a period exceeding two months.

(3) Any order passed by an officer under sub-section (1) may be revised by the Government.

Power to control suspected persons.

4. (1) The Government, if satisfied that there are reasonable grounds for believing that any person has acted, is acting, or is about to act, in a manner prejudicial to the public safety or peace or in furtherance of a movement prejudicial to the public safety or peace, may, by order in writing, give any one or more of the following directions, namely, that such person,—

(*a*) shall not enter, reside or remain in any area specified in the order;

(*b*) shall reside or remain in any area specified in the order;

(*c*) shall remove himself from, and shall not return to, any area specified in the order;

(*d*) shall conduct himself in such manner, abstain from such acts, or take such order with any property in his possession or under his control, as may be specified in the order.

(2) An order made under sub-section (1) shall not, unless the Government by special order otherwise directs, remain in force for more than one month from the making thereof.

(3) An order made under sub-section (1) shall be served on the person to whom it relates in the manner provided in the Code for service of a summons.

Power to prohibit or regulate traffic.

5. (1) The District Magistrate may, by order in writing, prohibit or regulate, in such way as he may think

necessary in the interests of the public safety or peace, traffic over any road, pathway, bridge, waterway or ferry.

(2) Whoever disobeys, or neglects to comply with, an order made under this section shall be punishable with imprisonment which may extend to six months, or with fine, or with both.

Power to secure reports of public meetings.

6. The District Magistrate, if, in his opinion, it is necessary in the interests of the public safety or peace, may, by order in writing, depute one or more police officers not below the rank of Sub-Inspector, or other persons, to attend any public meeting for the purpose of causing a report to be made of the proceedings, and may, by such order, authorise the persons so deputed to take with them an escort of police officers.

Power to issue search warrants.

7. The power to issue search warrants conferred by section 98 of the Code shall be deemed to include a power to issue warrants authorising—

(*a*) the search of any place in which any Magistrate mentioned in that section has reason to believe that any offence under this Act or any act prejudicial to the public safety or peace has been, is being, or is about to be committed, or that preparation for the commission of any such offence or act is being made;

(*b*) the seizure in or on any place searched under clause (*a*) of anything which the officer executing the warrant has reason to believe is being used, or is intended to be used, for any purpose mentioned in that clause;

and the provisions of the Code shall, so far as may be, apply to searches made under the authority of any warrant issued, and to the disposal of any property seized, under this section.

Dissemination of contents of proscribed documents.

8. Whoever publishes, circulates, sells, or repeats in public any passage from, a newspaper, book or other document, copies whereof have been declared forfeited to the Government under any law for the time being in force, shall be punished with imprisonment for a term which may extend to six months, or with fine, or with both.

Power to give effect to orders if disobeyed.

9. (1) If any person disobeys or neglects to comply with an order made, direction given, or condition prescribed, in accordance with the provisions of this Chapter, the authority which made the order, gave the direction, or prescribed the condition may, take or cause to be taken such action as it thinks necessary to give effect thereto.

(2) No claim for compensation may be lodged for loss or damage caused in any case where action has been taken under sub-section (1).

Penalty for disobeying order under Section 4.

10. Whoever disobeys or neglects to comply with any order made or direction given in accordance with the provisions of section 4 shall be punishable with imprisonment which may extend to two years, or with fine, or with both.

CHAPTER III.

UNLAWFUL ASSOCIATION.

Power to declare associations unlawful.

11. If the Government is of opinion that any association interferes or has for its object interference with the administration of the law or with the maintenance of law and order, or that it constitutes a danger to the public peace, the Government may, by notification in the official Gazette, declare such association to be unlawful.

Penalties.

12. (1) Whoever is a member of an unlawful association, or takes part in meetings of any such association, or contributes or receives or solicits any contribution for the purpose of any such association, or in any way assists the operations of any such association, shall be punished with imprisonment for a term which may extend to six months, or with fine, or with both.

(2) Whoever manages or assists in the management of an unlawful association, or promotes, or assists in promoting, a meeting of any such association, or of any members thereof as such members, shall be punished with imprisonment for a term which may extend to three years, or with fine, or with both.

Continuance of association

13. An association shall not be deemed to have ceased to exist by reason only of any formal act of dissolution or change of title, but shall be deemed to continue so long as any actual combination for the purposes of such association continues between any members thereof.

Power to notify and take possession of places used for the purposes of an unlawful association.

14. (1) The Government may, by notification in the official Gazette, notify any place which in its opinion is used for the purposes of an unlawful association.

(2) The District Magistrate, or any officer authorised in this behalf in writing by the District Magistrate, may thereupon take possession of the notified place and evict therefrom any person found therein, and shall

forthwith make a report of the taking of possession to the Government:

Provided where such place contains any apartment occupied by women and children, reasonable time and facilities shall be afforded for their withdrawal with the least possible inconvenience.

(3) A notified place whereof possession is taken under sub-section (2) shall be deemed to remain in the possession of the Government so long as the notification under sub-section (1) in respect thereof remains in force.

Moveable property found in a notified place.

15. (1) The District Magistrate or other officer taking possession of a notified place shall also take possession of all moveable property found therein, and shall make a list thereof and submit it, with a report of the taking of possession of such moveable property, to the Government.

(2) If, in the opinion of the Government, any article specified in the list is or may be used for the purpose of the unlawful association, the Government may, by order in writing, declare such article to be forfeited to the Government and may give such directions for the disposal thereof as it may think fit.

(3) All other articles specified in the list which are not so forfeited shall be delivered by the District Magistrate to the person whom he considers to be entitled to possession thereof, or if no such person is found, shall be disposed of in such manner as the District Magistrate may direct.

Trespass upon notified places.

16. Any person who enters or remains upon a notified place without the permission of the District Magistrate, or of an officer authorised by him in this behalf, shall be deemed to commit criminal trespass, and notwithstanding anything contained in the Code any such offence of criminal trespass shall be cognisable and non-bailable.

The relinquishment of property.

17. Before a notification under sub-section (1) of section 14 is cancelled, the Government shall give such general or special directions as it may deem requisite regulating the relinquishment by the Government of possession of notified places.

Power to forfeit funds of an unlawful association.

18. (1) Where the Government is satisfied, after such inquiry as it may think fit, that any monies, securities or credits are being used or are intended to be used

for the purposes of an unlawful association, the Government may, by order in writing, declare such monies, securities or credits to be forfeited to the Government.

(2) A copy of an order under sub-section (1) may be served on the person having custody of the monies, securities or credits, and on the service of such copy, such person shall pay or deliver the monies, securities or credits to the order of the Government:

Provided that, in the case of monies or securities, a copy of the order may be endorsed for execution to such officer as the Government may select, and such officer shall have power to enter upon and search for such monies and securities in any premises where they may reasonably be suspected to be, and to seize the same.

(3) Where the Government has reason to believe that any person has custody of any monies, securities or credits which are being used or are intended to be used for the purposes of an unlawful association, the Government may, by order in writing, prohibit such person from paying, delivering, transferring or otherwise dealing in any manner whatsoever with the same, save in accordance with the written orders of the Government. A copy of such order shall be served upon the person to whom it is directed.

(4) The Government may endorse a copy of an order under sub-section (3) for investigation to any officer it may select, and such copy shall be warrant whereunder such officer may enter upon any premises of the person to whom the order is directed, examine the books of such person, search for monies and securities, and make inquiries from such person, or any officer, agent or servant of such person, touching the origin of, and dealings in, any monies, securities or credits which the investigating officer may suspect are being used or are intended to be used for the purposes of an unlawful association.

(5) A copy of an order under this section may be served in the manner provided in the Code for the service of a summons, or, where the person to be served is a corporation, company, bank or association of persons, it may be served on any secretary, director or other officer or person concerned with the management thereof, or by leaving it or sending it by post addressed to the corporation, company, bank or association at its registered office,

or where there is no registered office, at the place where it carries on business.

(6) Where an order of forfeiture is made under sub-section (1) in respect of any monies, securities or credits in respect of which a prohibitory order has been made under sub-section (3), such order of forfeiture shall have effect from the date of the prohibitory order, and the person to whom the prohibitory order was directed shall pay or deliver the whole of the monies, securities, or credits forfeited to the order of the Government.

(7) Where any person liable under this section to pay or deliver any monies, securities, or credits to the order of the Government, refuses or fails to comply with any direction of the Government in this behalf, the Government may recover from such person, as arrears of land revenue or as a fine, the amount of such monies or credits or the market value of such securities.

(8) In this section, "security" means a document whereby any person acknowledges that he is under a legal liability to pay money, or whereunder any person obtains a legal right to the payment of money; and the "market value of any security" means the value as fixed by any officer or person deputed by the Government in this behalf.

CHAPTER IV.

PREVENTION OF SEDITIOUS AND CERTAIN OTHER PUBLIC MEETINGS.

Power of Government to notify proclaimed area.

19. (1) The Government may, by notification in the official Gazette, declare the whole or any part of the State to be a proclaimed area.

(2) A notification made under sub-section (1) shall not remain in force for more than six months; but nothing in this sub-section shall be deemed to prevent the Government from making any further notification in respect of the same area from time to time as it may think fit.

Notice to be given of public meetings.

20. (1) No public meeting for the furtherance or discussion of any subject likely to cause disturbance or public excitement, or for the exhibition or distribution of any writing or printed matter relating to any such subject, shall be held in any proclaimed area—

(*a*) unless written notice of the intention to hold such meeting and of the time and place of such meeting

has been given to the District Magistrate at least three days previously ; or

(*b*) unless permission to hold such meeting has been obtained in writing from the District Magistrate.

(2) Nothing in this section shall apply to any public meeting held under any statutory or other express legal authority or to any public meetings or class of public meetings exempted for that purpose by the Government by general or special order.

Power to prohibit public meetings.

21. The District Magistrate may, at any time, by order in writing, of which public notice shall forthwith be given, prohibit any public meeting in a proclaimed area, if, in his opinion, such meeting is likely to promote sedition or disaffection or to cause a disturbance of the public tranquillity.

Penalties.

22. (1) Any person concerned in the promotion or conduct of a public meeting held in a proclaimed area contrary to the provisions of section 20 shall be punished with imprisonment for a term which may extend to six months, or with fine, or with both.

(2) Any public meeting which has been prohibited under section 21 shall be deemed to be an unlawful assembly within the meaning of Chapter VIII of the Indian Penal Code, as in force in Mysore, and of Chapter IX of the Code.

Penalty for delivery of speeches in public places.

23. Whoever, in a proclaimed area, in a public place or a place of public resort, otherwise than at a public meeting held in accordance with, or exempted from the provisions of section 20, without the permission in writing of the District Magistrate, previously obtained, delivers any lecture, address, or speech on any subject likely to cause disturbance or public excitement to persons then present, may be arrested without warrant and shall be punished with imprisonment for a term which may extend to six months, or with fine, or with both.

CHAPTER V.

PROVISIONS AGAINST CERTAIN FORMS OF INTIMIDATION.

24. (1) Whoever,—

Molesting a person to prejudice of employment or business.

(*a*) with intent to cause any person to abstain from doing or to do any act which such person has a right to do or to abstain from doing, obstructs or uses violence to or intimidates such person or any member of his family

or person in his employ, or loiters at or near a place where such person or member or employed person resides or works or carries on business or happens to be, or persistently follows him from place to place or interferes with any property owned or used by him or hinders him in the use thereof, or

(*b*) loiters or does any similar act at or near the place, where a person carries on business, in such a way and with intent that any person may thereby be deterred from entering or approaching or dealing at such place,

shall be punished with imprisonment for a term which may extend to six months, or with fine which may extend to five hundred rupees, or with both.

Explanation.—Encouragement of indigenous industries or advocacy of temperance without the commission of any of the acts prohibited by this section is not an offence under this section.

(2) No Court shall take cognizance of an offence punishable under this section except upon a report in writing of facts which constitute such offence made by a police officer not below the rank of Sub-Inspector.

Procedure in offences under the Chapter.

25. Notwithstanding anything contained in the Code, an offence punishable under section 24 shall be cognizable by the police and shall be non-bailable.

Power to Government to make certain offences cognizable and non-bailable.

26. (1) The Government may, by notification in the official Gazette, declare that any offence punishable under sections 186, 188, 190, 228, 293, 384, 385, 426, 427, 505, 506 or 507 of the Indian Penal Code, as in force in Mysore, when committed in any area specified in the notification shall, notwithstanding anything contained in the Code be cognizable, and thereupon the Code shall, while such notification remains in force, be deemed to be amended accordingly.

(2) The Government may, in like manner and subject to the like conditions, and with the like effect declare that an offence punishable under section 188 or section 506 of the Indian Penal Code, as in force in Mysore, shall be non-bailable.

CHAPTER VI.

PROVISIONS AGAINST INSTIGATION TO THE ILLEGAL REFUSAL OF THE PAYMENT OF CERTAIN LIABILITIES

Power to declare notified areas and notified liabilities.

27. (1) The Government may, by notification in the official Gazette, declare that the whole or any part of the

State shall be a notified area for the purposes of this Chapter.

(2) The Government may further, by the same or by subsequent notification, declare that in such notified area, land revenue or any sum recoverable as arrears of land revenue or any tax, rate, cess or other dues or amount payable to the Government or to any local authority, or rent of agricultural land or anything recoverable as arrears of or along with such rent, shall be a notified liability.

Punishment for unlawful instigation to the non-payment of notified liability.

28. Whoever by words, either spoken or written, or by signs or by visible representations or otherwise, instigates, expressly or by implication any person or class of persons not to pay or to defer payment of any notified liability or whoever does any act with intent, or knowing it to be likely that any words, signs, or visible representations containing such instigation, shall thereby be communicated directly or indirectly to any person or class of persons, in any manner whatsoever, shall be punishable with imprisonment which may extend to six months or with fine, or with both.

Explanation:—Comments made in good faith expressing disapprobation of the incidence, rate or amount of a notified liability, without instigating refusal to pay such liability, but with a view to securing by lawful means a temporary or permanent remission or reduction thereof shall not constitute an offence under this section.

Power to collect an arrear of a notified liability as an arrear of land revenue.

29. (1) Any person to whom an arrear of a notified liability is due, may apply in writing to the Deputy Commissioner to realize it, and the Deputy Commissioner may, after satisfying himself that the amount claimed is due, proceed to recover it as an arrear of land revenue, in accordance with the law applicable to the recovery of arrears of land revenue in the area concerned.

(2) Nothing in this section shall prevent any person, to whom an arrear of a notified liability is due, from recovering it in accordance with the law applicable to the recovery of such arrear.

(3) Any person from whom an amount has been recovered under this section in excess of the amount due from him, may recover such excess in accordance with law from the person on whose behalf the Deputy Commissioner has realized it.

Special rule of procedure.

30. No magistrate shall take cognizance of any offence punishable under this Chapter, except upon a report in writing of facts, which constitute such offence, made by a police officer not below the rank of Sub-Inspector.

CHAPTER VII.

PROVISIONS RELATING TO FOREIGNERS.

Proof of being a foreigner.

31. If a question shall arise whether any person alleged to be a foreigner, is a foreigner or not, the onus of proving that such person is not a foreigner, shall lie upon such person.

Government may order foreigner to remove himself.

32. The Government may, by writing, order any foreigner to remove himself from Mysore, or to remove himself therefrom by a particular route to be specified in the order.

Foreigner may be apprehended or detained pending order of removal.

33. (1) Whenever a District Magistrate considers that the Government should be moved to issue an order under section 32 in respect of any foreigner who is within the jurisdiction of such Magistrate, he may report the case to the Government and at the same time issue a warrant for the apprehension of such foreigner.

(2) The Magistrate issuing a warrant under sub-section (1) may, in his discretion, direct by endorsement on the warrant that if such foreigner executes a bond with or without sureties for his attendance at a specified place and time, the person to whom the warrant is directed shall take such security and release such foreigner from custody.

(3) Any person executing a warrant under sub-section (1) may search for and apprehend the foreigner named in such warrant; and, subject to any direction issued under sub-section (2), shall forthwith cause such foreigner when apprehended to be produced before the Magistrate issuing the warrant.

(4) When a foreigner for whose apprehension a warrant has been issued under sub-section (1) is produced or appears before the Magistrate issuing such warrant, such magistrate may direct him to be detained in custody pending the orders of the Government, or may release him on his executing a bond with or without sureties to appear at a specified place and time and thereafter if and when required until such orders are obtained.

(5) Any magistrate who has in accordance with the provisions of sub-section (4) ordered a foreigner to be detained or released on his executing a bond shall forthwith report the fact to the Government. On the receipt of a report under this section, the Government shall without delay either direct that the foreigner be discharged or make an order for the removal of such foreigner in accordance with the provisions of section 32.

Penalty for refusing to move or returning after removal.

34. (1) If any foreigner ordered to remove himself from Mysore, or ordered to remove himself therefrom by a particular route, shall neglect or refuse to do so, or

if any foreigner, having removed himself from Mysore in consequence of an order issued under any of the provisions of this Chapter, or having been removed from Mysore under any of the said provisions, shall wilfully return thereto without permission in writing granted by the Government,

such foreigner may be apprehended and detained in safe custody and the Government may thereupon discharge him upon such terms and conditions as the Government shall deem sufficient or cause him to be removed from the State in such manner as it shall deem fit.

(2) Notwithstanding anything in the provisions of this Chapter, if a foreigner disobeys or neglects to comply with any order made or directions given in accordance with the provisions of this Chapter, he shall be punishable with imprisonment which may extend to two years, or with fine, or with both.

CHAPTER VIII.

SUPPLEMENTAL.

Penalty for obstructing officers.

35. Whoever intentionally obstructs any officer in the exercise of any of the powers vested in him by this Act shall be held to have committed the offence specified in section 186 of the Indian Penal Code, as in force in Mysore.

Cognisance of offence.

36. No court inferior to that of a Magistrate of the First Class shall try any offence against this Act.

Jurisdiction barred.

37. Except as provided in this Act, no proceeding or order taken or made or purporting to be taken or made or deemed to have been so taken or made under this Act, shall be called in question by any court, and no civil or

criminal proceeding shall be instituted against any person for anything done or in good faith intended to be done under this Act or against any person for any loss or damage caused to or in respect of any property whereof possession has been taken under this Act.

Repeal and savings.

38. The Mysore Public Security Act (Emergency Act No. XXIV of 1939) is hereby repealed. But any rules made, anything done and any action taken in exercise of any power conferred by or under the said Mysore Public Security Act (Act No. XXIV of 1939) shall be deemed to have been made, done or taken in exercise of powers conferred by or under this Act as if this Act had commenced on the 25th day of September 1939.

MIRZA M. ISMAIL,
Dewan.

Order No. P 5681—*Legis.* 49-39-1, *dated Bangalore,* 14*th February* 1940.

Ordered that the accompanying Act further to amend the Mysore Income-tax Act, 1923, which received the assent of His Highness the Maharaja on the 2nd day of February 1940, be published as Act No. XIII of 1940 in the *Mysore Gazette* for general information.

C. SUBRAHMANYA AIYAR,
Secretary to Government,
Law Department.

ACT NO. XIII OF 1940.

The Mysore Income-tax (amendment) Act, 1940.

(*Received the assent of His Highness the Maharaja on the 2nd day of February* 1940.)

WHEREAS it is expedient further to amend the Mysore Income-tax Act, 1923, for the purposes hereinafter appearing; It is hereby enacted as follows:—

Short title and commencement.

1. (*i*) This Act may be called the Mysore Income-tax (amendment) Act, 1940;

(*ii*) It shall come into force on the first day of July 1940.

Substitution of new section for section 3, Act V of 1923.

2. For section 3 of the Mysore Income-tax Act, 1923 (hereinafter referred to as the said Act), the following section shall be substituted, namely :—

Charge of Income-tax

"3. Income-tax shall be charged for the year beginning with the first day of July 1940 and in respect of each subsequent year, at the rate or rates specified in Schedule I, in accordance with and subject to the provisions of this Act, in respect of all income, profits and gains of the previous year of every individual, Hindu undivided family, company, firm and other association of individuals.

Explanation.—For the purpose of sections 3 and 55, income-tax and super-tax chargeable during the year beginning with the first day of July 1939 or any previous year shall, so far as may be, be leviable at the rates specified in Schedules I and II as in force during those years."

Substitution of new Schedule for Schedule I to Act V of 1923.

3. For Schedule I to the said Act, the following Schedule shall be substituted, namely :—

"Schedule I.

RATES OF INCOME-TAX.

(*Section* 3.)

A. In the case of every individual, every Hindu undivided family, every unregistered firm and every other association of individuals not being a registered firm or a company :—

		Rate.
1.	Where the total income is less than Rs. 2,400.	Nil.
2.	Where the total income is Rs. 2,400 or upwards, but less than Rs. 5,000.	Three pies in the rupee.
3.	Where the total income is Rs. 5,000 or upwards, but less than Rs. 10,000.	Four and half pies in the rupee.
4.	Where the total income is Rs. 10 000 or upwards, but less than Rs. 15,000.	Six pies in the rupee.
5.	Where the total income is Rs. 15,000 or upwards, but less than Rs. 20,000.	Seven and half pies in the rupee.
6.	Where the total income is Rs. 20,000 or upwards, but less than Rs. 30,000.	Nine pies in the rupee.

		Rate.
7.	Where the total income is Rs. 30,000 or upwards, but less than Rs. 40,000.	Twelve pies in the rupee.
8.	Where the total income is Rs. 40,000 or upwards, but less than Rs. 50,000.	Fifteen pies in the rupee.
9.	Where the total income is Rs. 50,000 or upwards, but less than Rs. 75,000.	Eighteen pies in the rupee.
10.	Where the total income is Rs. 75,000 or upwards.	Twenty-four pies in the rupee.

B. In the case of every company and every registered-firm :—

1.	Where the total income is Rs. 2,400 or upwards, but less than Rs. 4,800	Eighteen pies in the rupee.
2.	Where the total income is Rs. 4,800 or upwards.	Twenty-four pies in the rupee."

MIRZA M. ISMAIL,
Dewan.

Order No. P. 5679—Legis. 50-39-1, dated Bangalore, the 14th February 1940.

Ordered that the accompanying Act to provide for the better control of the press and the publication of newspapers and other printed works containing public news which received the assent of His Highness the Maharaja on the 2nd day of February 1940 be published as Act No. XIV of 1940, in the *Mysore Gazette* for general information.

C. SUBRAHMANYA AIYAR,
Secretary to Government,
Law Department.

ACT XIV OF 1940.

THE MYSORE PRESS AND NEWSPAPERS ACT, 1940.

An Act to provide for the better control of the press and the publication of newspapers and other printed works containing public news.

(*Received the assent of His Highness the Maharaja on the 2nd day of February 1940.*)

Preamble. WHEREAS it is expedient to provide for the better control of the press and the publication of newspapers

and other works containing public news; It is hereby enacted as follows:—

Short title and extent.

1. (1) This Act may be called the Mysore Press and Newspapers Act, 1940.

(2) It extends to the whole of Mysore.

Definitions.

2. In this Act, unless there is anything repugnant in the subject or context—

(1) "book" includes every volume, part or division of a volume, pamphlet and leaflet, in any language, and every sheet of music, map, chart or plan separately printed or lithographed;

(2) "document" includes also any painting, drawing or photograph or other visible representation;

(3) "newspaper" means any periodical work containing public news or comments on public news;

(4) "news-sheet" means any document other than a newspaper containing public news or comments on public news or any matter described in sub-section (i) of section 4;

(5) "press" includes a printing press and all machines, implements and plant and parts thereof and all materials used for multiplying documents;

(6) "printing press" includes all engines, machinery, types, lithographic stones, implements, utensils and other plant or materials used for the purpose of printing;

(7) "unauthorised newspaper" means:

(*a*) any newspaper in respect of which there are not, for the time being, valid declarations under section 5 of the Indian Press and Registration of Books Act, No. XXV of 1867, as in force in Mysore; and

(*b*) any newspaper in respect of which security has been required under this Act, but has not been furnished as required;

(8) "unauthorised news-sheet" means any news-sheet other than a news-sheet published by a person authorised under section 15 to publish it; and

(9) "undeclared press" means any press in respect of which there is not, for the time being, a valid declaration under section 4 of the Indian Press and Registration of Books Act, No. XXV of 1867, as in force in Mysore.

Control of Printing Presses and Newspapers.

Deposit of security by keepers of printing presses.

3. (1) (*a*) Any person keeping a printing press who is required to make a declaration under section 4 of the Indian Press and Registration of Books Act, No. XXV of 1867, as in force in Mysore, may be required by the Magistrate before whom the declaration is made, for reasons to be recorded in writing, to deposit with the Magistrate within ten days from the day on which the declaration is made, security to such an amount, not being more than two hundred and fifty rupees, as the Magistrate may in each case think fit to require, in money or the equivalent thereof, in securities of the Government of Mysore as the person making the deposit may choose:

Provided that if a deposit has been required under sub-section (3) from any previous keeper of the printing press, the security which may be required under this sub-section may amount to one thousand rupees.

(*b*) Any person keeping a printing press who has been ordered to deposit security under clause (*a*) of sub-section (1) may, within thirty days of the date of the order of the Magistrate, appeal against it to the Government which may pass such order as it deems fit on such appeal.

(2) Where security required under sub-section (1) has been deposited in respect of any printing press, and for a period of three months from the date of the declaration mentioned in sub-section (1) no order is made by the Government under section 4 in respect of such press, the security shall, on application by the keeper of the press, be refunded.

(3) Whenever it appears to the Government that any printing press, in respect of which no security under the provisions of this Act has been required, or having been required has been refunded under sub-section (2) is used for the purpose of printing or publishing any newspaper, book or other document containing any words, signs or visible representations of the nature described in section 4, sub-section (1), the Government may issue notice in writing to the keeper of the press stating or describing such words, signs or visible representations, to show cause why he should not be ordered to furnish security and on his failure to explain to the satisfaction of the

Government, the Government may, by further notice in writing, order the keeper to deposit with the Magistrate within whose jurisdiction the press is situated security to such an amount, not being more than one thousand rupees as the Government may think fit to require, in money or the equivalent there of in securities of the Government of Mysore as the person making the deposit may choose.

(4) Such notice shall in each case appoint a date, not being sooner than the tenth day after the date of the issue of the notice, on or before which the explanation shall be given or the deposit shall be made.

Power to declare security or press forfeited certain cases

4. (1) Whenever it appears to the Government that any printing press, in respect of which any security has been ordered to be deposited under section 3, sub-section (1) or (3) and has been so deposited, is used for the purpose of printing or publishing any newspaper, book or other document containing any words, signs or visible representations which—

(*a*) incite to or encourage, or tend to incite to or to encourage, the commission of any offence of murder or any cognizable offence involving violence, or

(*b*) directly or indirectly express approval or admiration of any such offence, or of any person, real or fictitious, who has committed or is alleged or represented to have committed any such offence,

or which tend directly or indirectly,

(*c*) to seduce any officer, sowar, driver, sepoy or follower in the Mysore Military Forces or any officer, soldier, sailor or airman in the military, naval or air forces of His Majesty the King-Emperor of India or any police officer from his allegiance or his duty, or

(*d*) to bring into hatred or contempt His Majesty the King-Emperor of India, or His Highness the Maharaja, or the Government established by law in British India and in the territories of His Highness the Maharaja, or the administration of justice in Mysore or any class or section of the subjects of His Majesty the King-Emperor of India or of His Highness the Maharaja, or to excite disaffection towards His Majesty the King-Emperor of India or His Highness the Maharaja or the said Governments, or

(*e*) to put any person in fear or to cause annoyance to him and thereby induce him to deliver to any person

any property or valuable security or to do any act which he is not legally bound to do, or to omit to do any act which he is legally entitled to do, or

(*f*) to encourage or incite any person to interfere with the administration of the law or with the maintenance of law and order, or to commit any offence or to refuse or defer payment of land revenue, tax, rate, cess or other dues or amount payable to the Government, or to any local authority, or any rent of agricultural land or anything recoverable as arrears of or along with such rent, or

(*g*) to induce a public servant or a servant of a local authority to do any act or to forbear or delay to do any act connected with the exercise of his public functions or to resign his office, or

(*h*) to promote feelings of enmity or hatred between different classes of the subjects of His Majesty the King-Emperor of India or of His Highness the Maharaja, or

(*i*) to prejudice the recruiting of persons to serve in any of the Mysore Military Forces, or in any of the forces of His Majesty the King-Emperor of India, or in any police force, or to prejudice the training, discipline or administration, of any such force,

the Government may issue notice in writing to the keeper of such printing press stating or describing the words, signs or visible representations which in its opinion are of the nature described above, to show cause why such security should not be ordered to be forfeited and on his failure to explain to the satisfaction of the Government, the Government may, by further notice in writing, declare such security or any portion thereof to be forfeited to the Government.

Explanation (*i*)—No expression of approval or admiration made in a historical or literary work shall be deemed to be of the nature described in this sub-section unless it has the tendency described in clause (*a*).

(*ii*) Comments expressing disapprobation of the measures of the Government with a view to obtain their alteration by lawful means without exciting or attempting to excite hatred, contempt or disaffection shall not be deemed to be of the nature described in clause (*d*) of this sub-section.

(*iii*) Comments expressing disapprobation of the administrative or other action of the Government without

exciting or attempting to excite hatred, contempt or disaffection, shall not be deemed to be of the nature described in clause (*d*) of this sub-section.

(*iv*) Words pointing out, without malicious intention and with an honest view to their removal, matters which are producing or have a tendency to produce feelings of enmity or hatred between different classes of the subjects of His Majesty the King-Emperor of India or of His Highness the Maharaja shall not be deemed to be words of the nature described in clause (*h*) of this sub-section.

(2) After the expiry of ten days from the date of the issue of a notice under sub-section (1) declaring a security, or any portion thereof, to be forfeited, the declaration made in respect of such press under section 4 of the Indian Press and Registration of Books Act, No. XXV of 1867, as in force in Mysore, shall be deemed to be annulled.

(3) Whenever it appears to the Government that any printing press, in respect of which any security has been ordered to be deposited under section 3, sub-section (1) or (3) and has not been so deposited, is used for the purpose of printing or publishing any newspaper, book or other document containing any words, signs or visible representations of the nature described in sub-section (1), the Government may, by notice in writing to the keeper of such printing press stating or describing such words, signs or visible representations which in its opinion are of the nature mentioned above, declare the press to be forfeited to the Government.

(4) The Government may in addition to forfeiting the deposit or any portion thereof under sub-section (1), or forfeiting the press under sub-section (3), also declare all copies of such newspaper, book or other document wherever found in Mysore to be forfeited to the Government.

Deposit of further security.

5. (1) Where the security given in respect of any press or any portion thereof has been declared forfeited under section 4 or section 6, every person making a fresh declaration in respect of such press under section 4 of the Indian Press and Registration of Books Act, No. XXV of 1867, as in force in Mysore, shall deposit with the Magistrate before whom such declaration is made security to such an amount not being less than one thousand or more

than three thousand rupees as the Magistrate may think fit to require, in money or the equivalent thereof in securities of the Government of Mysore as the person making the deposit may choose.

(2) Where a portion only of the security given in respect of such press has been declared forfeited under section 4 or section 6 any unforfeited balance still in deposit shall be taken as part of the amount of security required under sub-section (1).

Power to declare further security and publications forfeited.

6. (1) If after security has been deposited under section 5, the printing press is again used for the purpose of printing or publishing any newspaper, book or other document containing any words, signs or visible representations which, in the opinion of the Government, are of the nature described in section 4, sub-section (1), the Government may, by notice in writing to the keeper of such printing press, stating or describing such words, signs or visible representations, declare

(*a*) the further security so deposited, or any portion thereof, and

(*b*) all copies of such newspaper, book or other document wherever found in Mysore,

to be forfeited to the Government.

(2) After the expiry of ten days from the issue of a notice under sub-section (1), the declaration made in respect of such press under section 4 of the Indian Press and Registration of Books Act, No. XXV 1867, as in force in Mysore, shall be deemed to be annulled.

Deposit of security by publisher of newspaper.

7. (1) (*a*) Any publisher of a newspaper who is required to make a declaration under section 5 of the Indian Press and Registration of Books Act, No. XXV of 1867, as in force in Mysore, may be required by the Magistrate before whom the declaration is made, for reasons to be recorded in writing, to deposit with the Magistrate within ten days from the day on which the declaration is made, security to such an amount, not being more than two hundred and fifty rupees, as the Magistrate may in each case think fit to require, in money or the equivalent thereof in securities of the Government of Mysore as the person making the deposit may choose:

Provided that if a deposit has been required under sub-section (3) from any previous publisher of the newspaper, the security which may be required under this sub-section may amount to one thousand rupees.

(*b*) Any publisher of a newspaper who has been ordered to deposit security under clause (*a*) of sub-section (1) may, within thirty days of the date of the order of the Magistrate, appeal against it to the Government, which may pass such order as it deems fit on such appeal.

(2) Where security required under sub-section (1) has been deposited in respect of any newspaper, and for a period of three months from the date of the declaration mentioned in sub-section (1) no order is made by the Government under section 8 in respect of such newspaper, the security shall, on an application by the publisher of the newspaper, be refunded.

(3) Whenever it appears to the Government that a newspaper published within Mysore in respect of which no security under the provisions of this Act has been required, or having been required has been refunded under sub-section (2), contains any words, signs or visible representations of the nature described in section 4, sub-section (1), the Government may issue notice in writing to the publisher of such newspaper stating or describing such words, signs or visible representations to show cause why he should not be ordered to furnish security and on his failure to explain to the satisfaction of the Government, the Government may, by further notice in writing, require the publisher to deposit with the Magistrate within whose jurisdiction the newspaper is published, security to such an amount not being less than five hundred or more than two thousand rupees, as the Government may think fit to require, in money or the equivalent thereof in securities of the Government of Mysore as the person making the deposit may choose.

(4) Such notice shall in each case appoint a date not being sooner than the tenth day after the date of the issue of the notice, on or before which the explanation shall be given or the deposit shall be made.

Power to declare security forfeited in certain cases.

8. (1) If any newspaper in respect of which any security has been ordered to be deposited under section 7 contains any words, signs or visible representations which, in the opinion of the Government are of the nature described in section 4, sub-section (1), the Government may issue notice in writing to the publisher of such newspaper, stating or describing such words, signs or visible representations to show cause why such security should not be

ordered to be forfeited and on his failure to explain to the satisfaction of the Government, the Government may, by further notice in writing—

(*a*) where the security has been deposited, declare such security, or any portion thereof, to be forfeited to the Government, or

(*b*) where the security has not been deposited, annul the declaration made by the publisher of such newspaper under section 5 of the Indian Press and Registration of Books Act No. XXV of 1867, as in force in Mysore,

and may also declare all copies of such newspaper, wherever found in Mysore, to be forfeited to the Government.

(2) After the expiry of ten days from the date of issue of a notice under sub-section (1) declaring a security or any portion thereof, to be forfeited, the declaration made by the publisher of such newspaper under section 5 of the Indian Press and Registration of Books Act No. XXV of 1867, as in force in Mysore, shall be deemed to be annulled.

Deposit of further security.

9. (1) Where the security given in respect of any newspaper, or any portion thereof, is declared forfeited under section 8 or section 10, any person making a fresh declaration under section 5 of the Indian Press and Registration of Books Act No. XXV of 1867, as in force in Mysore, as publisher of such newspaper, or any other newspaper which is the same in substance as the said newspaper, shall deposit with the Magistrate before whom the declaration is made, security to such an amount, not being more than three thousand rupees as the Magistrate may think fit to require, in money or the equivalent thereof in securities of the Government of Mysore as the person making the deposit may choose.

(2) Where a portion only of the security given in respect of such newspaper has been declared forfeited under section 8 or section 10, any unforfeited balance still in deposit shall be taken as part of the amount of security required under sub-section (1).

Power to declare further security and newspapers forfeited.

10. (1) If, after security has been deposited under section 9, the newspaper again contains any words, signs or visible representations which, in the opinion of the Government, are of the nature described in section 4,

sub-section (1), the Government may, by notice in writing to the publisher of such newspaper, stating or describing such words, signs or visible representations, declare—

(*a*) the further security so deposited or any portion thereof, and

(*b*) all copies of such newspaper wherever found in Mysore,

to be forfeited to the Government.

(2) After the expiry of ten days from the date of the issue of the notice under sub-section (1), the declaration made by the publisher of such newspaper under section 5 of the Indian Press and Registration of Books Act No. XXV of 1867, as in force in Mysore, shall be deemed to be annulled and no further declaration in respect of such newspaper shall be made save with the permission of the Government.

Penalty for keeping press or publishing newspaper without making deposit.

11. (1) Whoever keeps in his possession a press which is used for the printing of books or papers without making a deposit under section 3 or section 5 as required by the Government or the Magistrate, as the case may be, shall, on conviction by a Magistrate, be liable to the penalty to which he would be liable if he had failed to make the declaration prescribed by section 4 of the Indian Press and Registration of Books Act No. XXV of 1867, as in force in Mysore.

(2) Whoever publishes any newspaper without making a deposit under section 7 or section 9, as required by the Government or the Magistrate, as the case may be, or publishes such newspaper knowing that such security has not been deposited shall, on conviction by a Magistrate, be liable to the penalty to which he would be liable if he had failed to make the declaration prescribed by section 5 of the Indian Press and Registration of Book Act No. XXV of 1867 as in force in Mysore.

Consequence of failure to deposit security as required.

12. (1) Where a deposit is required from the keeper of a printing press under section 3, such press shall not be used for the printing or publishing of any newspaper, book or other document after the expiry of the time allowed to make the deposit until the deposit has been made, and where a deposit is required from the keeper of a printing press under section 5, such press shall not be so used until the deposit has been made.

(2) Where any printing press is used in contravention of sub-section (1), the Government may, by notice in writing to the keeper thereof, declare the press to be forfeited to the Government.

(3) Where a deposit is required from the publisher of a newspaper under section 7 and the deposit is not made within the time allowed, the declaration made by the publisher under section 5 of the Indian Press and Registration of Books Act, No. XXV of 1867, as in force in Mysore, shall be deemed to be annulled.

Return of deposited security in certain cases.

13. Where any person has deposited any security under this Act and ceases to keep the press in respect of which such security was deposited, or being a publisher, makes a declaration under section 8 of the Indian Press and Registration of Books Act, No. XXV of 1867 as in force in Mysore, he may apply to the Magistrate within whose jurisdiction such press is situate for the return of the said security; and thereupon such security shall, upon proof to the satisfaction of the Magistrate and subject to the provisions hereinbefore contained be returned to such person.

Issue of search warrant.

14. Where any printing press is, or any copies of any newspaper, book or other document are declared forfeited to the Government under section 4, section 6, section 8, section 10, or section 12 the Government may direct a Magistrate to issue a warrant empowering any police officer, not below the rank of Sub-Inspector, to seize and detain any property ordered to be forfeited and to enter upon and search for such property in any premises—

(1) where any such property may be or may be reasonably suspected to be, or

(2) where any copy of such newspaper, book or other document is kept for sale, distribution or publication or public exhibition or is reasonably suspected to be so kept.

Unauthorised news-sheets and newspapers.

Authorisation of persons to publish news-sheets.

15. (1) The Magistrate may, by order in writing and subject to such conditions as he may think fit to impose, authorise any person by name to publish a news-sheet, or to publish news-sheets from time to time.

(2) A copy of an order under sub-section (1) shall be furnished to the person thereby authorised.

(3) The Magistrate may at any time revoke an order made by him under sub-section (1).

Power to seize and destroy unauthorised news-sheets and newspapers.

16. (1) Any police officer, or any other person empowered in this behalf by the Government, may seize any unauthorised news-sheet or unauthorised newspaper, wherever found.

(2) Any District Magistrate, Sub-divisional Magistrate or Magistrate of the First Class may by warrant authorise any police officer not below the rank of Sub-Inspector to enter upon and search any place where any stock of unauthorised news-sheets or unauthorised newspapers may be or may be reasonably suspected to be, and such police officer may seize any documents found in such place which, in his opinion, are unauthorised news-sheets or unauthorised newspapers.

(3) All documents seized under sub-section (1) shall be produced as soon as may be before a District Magistrate, Sub-divisional Magistrate or Magistrate of the First Class and all documents seized under sub-section (2) shall be produced as soon as may be before the Court of the Magistrate who issued the warrant.

(4) If, in the opinion of such Magistrate or Court, any of such documents are unauthorised news-sheets or unauthorised newspapers, the Magistrate or Court may cause them to be destroyed. If, in the opinion of such Magistrate or Court, any of such documents are not unauthorissd news-sheets or unauthorised newspapers, such Magistrate or Court shall dispose of them in the manner provided in sections 523, 524 and 525 of the Code of Criminal Procedure, 1904.

Powers to seize and forfeit undeclared presses producing unauthorised news-sheets and newspapers.

17. (1) Where a District Magistrate or Sub-divisional Magistrate has reason to believe that an unauthorised news-sheet or unauthorised newspaper is being produced from an undeclared press within the limits of his jurisdiction, he may by warrant authorise any police officer not below the rank of Sub-Inspector to enter upon and search any place wherein such undeclared press may be or may be reasonably suspected to be, and if, in the opinion of such police officer, any press found in such place is an undeclared press and is used to produce an unauthorised news-sheet or unauthorised newspaper, he may seize such press and any documents found in the place which in his opinion are unauthorised news-sheets or unauthorised newspapers.

(2) The police officer shall make a report of the search to the Court which issued the warrant and shall produce before such Court all property seized:

Provided that where any press which has been seized cannot be readily removed, the police officer may produce before the Court only such parts thereof as he may think fit.

(3) If such Court, after such inquiry as it may deem requisite, is of opinion that a press seized under this section is an undeclared press which is used to produce an unauthorised news-sheet or unauthorised newspaper, it may, by order in writing, declare the press to be forfeited to the Government. If after such inquiry the Court is not of such opinion, it shall dispose of the press in the manner provided in sections 523, 524 and 525 of the Code of Criminal Procedure, 1904.

(4) The Court shall deal with documents produced before it under this section in the manner provided in sub-section (4) of section 16.

Penalty for disseminating unauthorised news-sheets and newspapers.

18. (1) Whoever makes, sells, distributes, publishes or publicly exhibits or keeps for sale, distribution or publication, any unauthorised news-sheet or newspaper, shall be punishable with imprisonment which may extend to six months, or with fine, or with both.

(2) Notwithstanding anything contained in the Code of Criminal Procedure, 1904, any offence punishable under sub-section (1), and any abetment of any such offence shall be cognizable.

Special provisions relating to the seizure of certain documents.

Forfeiture of newspaper, etc., containing objectionable matters.

19. Where any newspaper, book or other document wherever made appears to the Government to contain any words, signs or visible representations of the nature described in section 4, sub-section (1), the Government may, by notification in the official Gazette, stating the grounds of its opinion, declare every copy of the issue of the newspaper and every copy of such book or other document to be forfeited to the Government and thereupon any police officer may seize the same wherever found in Mysore and any Magistrate may by warrant authorise any police officer not below the rank of Sub-Inspector to enter

upon and search for the same in any premises where any copy of such issue or any such book or other document may be reasonably suspected to be.

Non-transmission by post.

20. No unauthorised news-sheet or unauthorised newspaper shall be transmitted by post.

Powers of High Court.

Application to High Court to set aside order of forfeiture.

21. (1) The keeper of a printing press who has been ordered to deposit security under sub-section (3) of section 3 or the publisher of a newspaper who has been ordered to deposit security under sub-section (3) of section 7 or any person having an interest in any property in respect of which an order of forfeiture has been made under section 4, section 6, section 8, section 10 or section 19 may, within ninety days from the date of such order, apply to the High Court to set aside such order, and the High Court shall decide if the newspaper, book or other document in respect of which the order was made did or did not contain any words, signs or visible representation of the nature described in section 4, sub-section (1).

(2) The keeper of a printing press in respect of which an order of forfeiture has been made under sub-section (2) of section 12 on the ground that it has been used in contravention of sub-section (1) of that section may apply to the High Court to set aside the order on the ground that the press was not so used.

Hearing by Bench.

22. Every such application shall be heard and determined by a Bench of the High Court consisting of not less than two Judges.

Order of Bench setting aside forfeiture.

23. (1) If it appears to the Bench on an application under sub-section (1) of section 21 that the words, signs or visible representations contained in the newspaper, book or other document in respect of which the order in question was made were not of the nature described in section 4, sub-section (1), the Bench shall set aside the order.

(2) If it appears to the Bench on an application under sub-section (2) of section 21 that the printing press was not used in contravention of sub-section (1) of section 12, it shall set aside the order of forfeiture.

(3) Where there is a difference of opinion among the Judges forming the Bench, the decision shall be in

accordance with the opinion of the majority of those Judges.

(4) Where there is no such majority which concurs in setting aside the order in question, the order shall stand.

Evidence to prove nature or tendency of newspaper.

24. On the hearing of an application under sub-section (1) of section 21 with reference to any newspaper, any copy of such newspaper published after the commencement of this Act may be given in evidence in aid of the proof of the nature or tendency of the words, signs or visible representations contained in such newspaper, in respect of which the order was made.

Procedure in High Court.

25. The High Court shall, as soon as conveniently may be, frame rules to regulate the procedure in the case of such applications, the amount of the costs thereof and the execution of orders passed thereon, and until such rules are framed, the practice of such Court in proceedings other than suits and appeals shall apply, so far as may be practicable, to such applications.

Supplemental.

Service of notices.

26. Every notice under this Act shall be sent to a Magistrate, who shall cause it to be served in the manner provided for the service of summonses under the Code of Criminal Procedure, 1904:

Provided that if service in such manner cannot by the exercise of due diligence be effected, the serving officer shall, where the notice is directed to the keeper of a press, affix a copy thereof to some conspicuous part of the place where the press is situate, as describedi n the keeper's declaration under section 4 of the Indian Press and Registration of Books Act, No. XXV of 1867, as in force in Mysore, and where the notice is directed to the publisher of a newspaper, to some conspicuous part of the premises where the publication of such newspaper is conducted, as given in the publisher's declaration under section 5 of the said Act; and thereupon the notice shall be deemed to have been duly served.

Conduct of search.

27. Every warrant issued under this Act shall, so far as it relates to a search, be executed in the manner provided for the execution of search warrants under the Code of Criminal Procedure, 1904.

28. Every declaration of forfeiture purporting to be made under this Act shall, as against all persons, be conclusive evidence that the forfeiture therein referred to has taken place, and no proceeding purporting to be taken under this Act shall be called in question by any Court, except the High Court on application under section 21 and no civil or criminal proceeding, except as provided by this Act, shall be instituted against any person for anything done or in good faith intended to be done under this Act. Jurisdiction barred.

29. Nothing herein contained shall be deemed to prevent any person from being prosecuted under any other laws for any act or omission which constitutes an offence against this Act. Operation of other laws not barred.

30. All declarations required to be made under section 4, section 5 and section 8 of the Indian Press and Registration of Books Act, No. XXV of 1867, as in force in Mysore, shall be made before a District Magistrate. Declaration before whom to be made.

31. The Mysore Newspapers Act, 1908, is hereby repealed. Repeal.

MIRZA M. ISMAIL,
Dewan.

No. P. 5947—*Cts.* 182-39-2, *dated Bangalore, the 29th February* 1940.

In virtue of the powers vested in them under the Schedule to the Mysore Extradition Act, VI of 1938, the Government of His Highness the Maharaja of Mysore are pleased to direct that the offences under the Indian Opium Act, 1878, the Dangerous Drugs Act, 1930, and the Excise and Abkari Acts, in so far as they relate to Indian Hemp, be deemed to be extradition offences for the purpose of the Mysore Extradition Act, 1938.

By Order,

H. V. NARAYANA RAO,
Secretary to Government,
Law Department.

Printed by the Superintendent at the Government Press, Bangalore.